IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.42047 of 2008
AJAY KUMAR SON OF LATE RAM DHANI SINGH
RESIDENT OF VILLAGE IMAMGANJ,P.S.PALIGANJ,DISTRICT PATNA
Versus
STATE OF BIHAR

2/ 22.10.2008 Heard learned counsel for the parties.

The petitioner is an accused of a case which has been registered for offences under Section 302/34 of the Indian Penal Code and 27 of the Arms Act against unknown on the basis of written application of Prashant Kumar regarding killing of his father Shashi Kumar.

Submission is that no prosecution witness has been examined under Section 161 of the Code of Criminal Procedure during investigation who can say that he has seen the petitioner committing overt act towards commission of the offence. After about nine months of the occurrence, deceased daughter Soni Kumari examined under Section 164 of the Cr.P.C. in which she has stated that she was having physical relationship with the petitioner which was not liking by his father and on account of that the petitioner might have committed the offence. Further submission is that the petitioner is serious patient of heart disease and certificate granted by Cardiothoracic & Vascular Department, AIIMS, New Delhi supports that the petitioner needs major heart operation.

Considering the facts and circumstances of the case, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate,

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Jehanabad in Arwal P.S.Case No. 13 of 2007.

Tahir/- **(Shyam Kishore Sharma, J.)**

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